



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (ABA) NO. 632/2025

Shaikh Asif Abdul Majid @ Ashrafi

Vs.

State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Saumitra Kanetkar, Advocate h/f. Mr. P. M. Khan, Advocate for
the Applicant.

Mr. A. M. Kadukar, A.P.P. for the Non-applicant/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 22/12/2025.

. The applicant is apprehending the arrest at the hands of police in connection with Crime No.349/2025 registered with Police Station Akot Fail, District Akola for the offence punishable under Sections 75, 115(2), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard learned Counsel for the applicant, who submitted that crime is registered on the basis of report lodged by the victim, who is the wife of the co-accused on an allegation that it was her husband who has asked her to go along with the present applicant in a room and the said applicant subjected her for the forceful sexual assault by assaulting her. On the basis of the said report, police have registered the crime. He invited my attention towards the NC report, which is filed by the victim at the earlier point of time wherein she has not made such type of allegation and after 90 days, the said FIR is lodged with the allegation of sexual assault on her by the present applicant. He submitted that there is no explanation as to the delayed FIR lodged and it is apparent that afterthought, this report is filed, as the present applicant is Moulvi to damage his

reputation in the society. He further stated that the applicant is attending the Police Station as per the directions. Now the charge-sheet is filed. After filing of the charge-sheet, he has not attended the Police Station. The learned Counsel for the applicant has pointed out that NC was registered on the date of alleged incident, but no such allegations are made against this applicant. After 90 days, she has lodged the complaint and made such allegations. Accused No.1 is the husband of the complainant, he is not before this Court. He submitted that the applicant is ready to co-operate with the investigating agency. In view of that, prayed to confirm the interim protection.

3. Learned APP strongly opposed for the same on the ground that present applicant is a Moulvi and there is every chance of tampering the witnesses by using his status in the society. He further stated that the applicant has not co-operated the police machinery as since few days he is not attending the Police Station. In view of that, prayed to reject the application.

4. The charge-sheet is filed considering the allegations made against this applicant and the earlier NC does not mention any such incident. The allegations are about inappropriately touched the complainant with permission of her husband. Earlier allegations were that some black magic was done by him. Considering the delay in making serious allegations about molestation against Moulvi/applicant, the interim protection granted on 22.08.2025 is confirmed on the same terms and conditions except a modification in the condition No.[ii] that the

applicant shall attend the Police Station as and when required by the Investigating Officer. Rest of the conditions are kept as it is.

5. The application stands disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.)